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JUN 19 2008

**OFFICE OF PETITIONS**

In re Patent No. 7,329,771 : DECISION ON REQUEST  
Tanaka et al. : FOR RECONSIDERATION OF  
Issue Date: February 12, 2008 : PATENT TERM ADJUSTMENT  
Application No. 10/526,660 : and  
Filed: March 4, 2005 : NOTICE OF INTENT TO ISSUE  
Atty Docket No. Q86056 : CERTIFICATE OF CORRECTION

This is a decision on the "REQUEST FOR RECONSIDERATION OF THE PATENT TERM ADJUSTMENT PURSUANT TO 37 C.F.R. § 1.705(D)," filed March 5, 2008. Patentees request that the patent term adjustment indicated in the patent be corrected from three hundred ninety-one (391) days to five hundred three (503) days.

The request for reconsideration of the patent term adjustment indicated in the patent is **GRANTED**.

The patent term adjustment indicated in the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of five hundred three **(503)** days.

On February 12, 2008, the above-identified application matured into U.S. Patent No. 7,329,771. The instant request for reconsideration filed March 5, 2008 was timely filed within two months of the issue date of the patent. See § 1.705(d). The Patent issued with a revised Patent Term Adjustment of 391 days. Patentees dispute the reduction of 112 days entered for an Information Disclosure Statement (IDS) filed October 24, 2007 as

firm records do not show that an IDS was filed on that date or at any time after the Notice of Allowance. Patentees further state that there was no applicant delay in association with the filing of the Issue Fee payment on December 12, 2007.

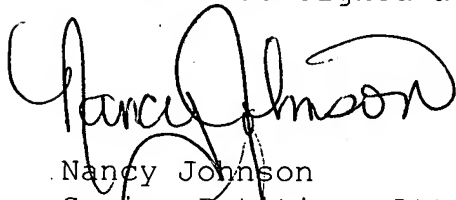
A review of the PTA calculations for this application reveals that the initial determination of PTA of 503 days was reduced by 112 days for patentees' submission of an IDS after the mailing of the notice of allowance. See 37 CFR 1.704(c) (10). However, a review of the application record supports a conclusion that no IDS (or any other paper, aside from the instant petition and payment of the issue fee) were filed in this application after the mailing of the notice of allowance. Accordingly, the period of reduction of 112 days for applicant delay pursuant to 37 CFR 1.704(c) (10) is not warranted and is being removed.

In view thereof, the patent term adjustment indicated in the patent should have been five hundred three **(503)** days.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application file is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction in order to rectify this error. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by FIVE HUNDRED THREE (503) days.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.



Nancy Johnson  
Senior Petitions Attorney  
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE  
**CERTIFICATE OF CORRECTION**

PATENT : 7,329,771 B2

DATED : February 12, 2008

INVENTOR(S): Tanaka et al.

DRAFT

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[\*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 391 days

Delete the phrase "by 391 days" and insert – by 503 days--

Day : Friday  
Date: 6/13/2008

# PALM INTRANET

Time: 16:04:05

| PTA Calculations for Application: 10/526660 |            |                         |     |
|---|------------|-------------------------|-----|
| Application Filing Date:                    | 03/04/2005 | PTO Delay (PTO):        | 503 |
| Issue Date of Patent:                       | 02/12/2008 | Three Years:            | 0   |
| Pre-Issue Petitions:                        | 0          | Applicant Delay (APPL): | 112 |
| Post-Issue Petitions:                       | 0          | Total PTA (days):       | 503 |
| PTO Delay Adjustment:                       | 112        |                         |     |

| File Contents History |            |  |     |      |       |
|-----------------------|------------|--|-----|------|-------|
| Number                | Date       | Contents Description                                       | PTO | APPL | START |
| 49                    | 06/13/2008 | ADJUSTMENT OF PTA CALCULATION BY PTO                       | 112 |      |       |
| 42                    | 02/12/2008 | PATENT ISSUE DATE USED IN PTA CALCULATION                  |     |      |       |
| 41                    | 10/24/2007 | REFERENCE CAPTURE ON IDS                                   |     |      |       |
| 40                    | 10/24/2007 | INFORMATION DISCLOSURE STATEMENT (IDS) FILED               |     | 112  |       |
| 39                    | 01/11/2008 | EXPORT TO FINAL DATA CAPTURE                               |     |      |       |
| 38                    | 01/10/2008 | DISPATCH TO FDC  |     |      |       |
| 37                    | 01/08/2008 | APPLICATION IS CONSIDERED READY FOR ISSUE                  |     |      |       |
| 36                    | 12/17/2007 | ISSUE FEE PAYMENT VERIFIED                                 |     |      |       |
| 35                    | 12/17/2007 | ISSUE FEE PAYMENT RECEIVED                                 |     |      |       |
| 34                    | 10/22/2007 | FINISHED INITIAL DATA CAPTURE                              |     |      |       |
| 33                    | 09/25/2007 | EXPORT TO INITIAL DATA CAPTURE                             |     |      |       |
| 32                    | 09/25/2007 | MAIL MISCELLANEOUS COMMUNICATION TO APPLICANT              |     |      |       |
| 31                    | 09/25/2007 | MAIL EXAMINER'S AMENDMENT                                  |     |      |       |
| 30                    | 09/21/2007 | EXAMINER'S AMENDMENT COMMUNICATION                         |     |      |       |
| 29                    | 09/21/2007 | MISCELLANEOUS COMMUNICATION TO APPLICANT - NO ACTION COUNT |     |      |       |
| 28                    | 09/19/2007 | MAIL NOTICE OF ALLOWANCE                                   | 503 |      | -1    |
| 27                    | 09/19/2007 | MAIL EXAMINER'S AMENDMENT                                  |     |      |       |
| 26                    | 09/14/2007 | ISSUE REVISION COMPLETED                                   |     |      |       |
| 25                    | 09/14/2007 | DOCUMENT VERIFICATION                                      |     |      |       |
| 24                    | 09/14/2007 | NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED            |     |      |       |
| 23                    | 09/14/2007 | CASE DOCKETED TO EXAMINER IN GAU                           |     |      |       |
| 22                    | 09/04/2007 | EXAMINER'S AMENDMENT COMMUNICATION                         |     |      |       |

|     |            |   |  |  |  |
|-----|------------|---|--|--|--|
| 21  | 09/04/2007 | NOTICE OF ALLOWABILITY                          |  |  |  |
| 20  | 03/04/2005 | INFORMATION DISCLOSURE STATEMENT<br>CONSIDERED  |  |  |  |
| 19  | 07/21/2007 | CASE DOCKETED TO EXAMINER IN GAU                |  |  |  |
| 18  | 07/11/2007 | CASE DOCKETED TO EXAMINER IN GAU                |  |  |  |
| 17  | 07/03/2007 | TRANSFER INQUIRY TO GAU                         |  |  |  |
| 16  | 05/15/2007 | CASE DOCKETED TO EXAMINER IN GAU                |  |  |  |
| 15  | 04/02/2007 | CASE DOCKETED TO EXAMINER IN GAU                |  |  |  |
| 14  | 03/31/2007 | CASE DOCKETED TO EXAMINER IN GAU                |  |  |  |
| 13  | 09/02/2006 | CASE DOCKETED TO EXAMINER IN GAU                |  |  |  |
| 12  | 07/06/2006 | CORRESPONDENCE ADDRESS CHANGE                   |  |  |  |
| 11  | 06/16/2006 | IFW TSS PROCESSING BY TECH CENTER<br>COMPLETE   |  |  |  |
| 10  | 03/04/2005 | PRELIMINARY AMENDMENT                           |  |  |  |
| 9   | 03/04/2005 | REFERENCE CAPTURE ON IDS                        |  |  |  |
| 8.7 | 03/04/2005 | INFORMATION DISCLOSURE STATEMENT (IDS)<br>FILED |  |  |  |
| 8   | 03/04/2005 | INFORMATION DISCLOSURE STATEMENT (IDS)<br>FILED |  |  |  |
| 7   | 03/12/2006 | CLEARED BY OIPE CSR                             |  |  |  |
| 6   | 03/12/2006 | CLEARED BY OIPE CSR                             |  |  |  |
| 5   | 03/12/2006 | CLEARED BY OIPE CSR                             |  |  |  |
| 4   | 03/04/2005 | 371 COMPLETION DATE                             |  |  |  |
| 3   | 09/06/2005 | APPLICATION DISPATCHED FROM OIPE                |  |  |  |
| 2   | 09/06/2005 | NOTICE OF DO/EO ACCEPTANCE MAILED               |  |  |  |
| 1   | 03/04/2005 | INITIAL EXAM TEAM NN                            |  |  |  |

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#### EXPLANATION OF PTA CALCULATION

#### EXPLANATION OF PTE CALCULATION

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